

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**UNITED ASSET MANAGEMENT TRUST COMPANY, TRUSTEE FOR COAST TO  
COAST HOLDING TRUST,  
APPELLANT  
vs.**

**KEITH A. CLARK, et al.,  
RESPONDENTS**

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DOCKET NUMBER WD71589

DATE: NOVEMBER 30, 2010

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Appeal from:

The Circuit Court of Cass County, Missouri  
The Honorable R. Michael Wagner, Judge

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Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Alok Ahuja and Gary D. Witt, JJ.

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Attorneys:

Eric D. Roby, for Appellant

Alan B. Gallas, for Respondent Clark

Betsy A. Blake, for Respondent Shipley

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**UNITED ASSET MANAGEMENT TRUST COMPANY, TRUSTEE FOR COAST TO COAST HOLDING, APPELLANT**

**v.**

**KEITH A CLARK, et al., RESPONDENTS**

WD71589

Cass County, Missouri

Before Division Two Judges: Joseph M. Ellis, P.J., Alok Ahuja and Karen King Mitchell, JJ.

United Asset Management Trust Company, trustee for the Coast to Coast Holding Trust ("the Trust"), appeals from a judgment entered in the Circuit Court of Cass County concluding that a piece of property formerly held by the Trust had been properly transferred by the tax collector for Cass County to Keith and Crystal Clark by means of a first offering tax sale and collector's deed.

**AFFIRMED.**

**Division Two holds:**

- (1) Section 140.405 does not require that the notice provided by a tax sale buyer state anything other than that the recipient has a "right to redeem."
- (2) Due process requires known parties whose rights would be affected by a tax sale be afforded notice reasonably calculated under all the circumstances to apprise them of the pendency of the action. However, due process does not require notice that some particular step must be taken or that certain procedure be followed. Legal advice need not be given in the notice, and the recipient must be held to a knowledge of the law.
- (3) There is no due process requirement that a § 140.405 notice include notice of the specific time limits applicable for redemption, the specific procedures that must be followed, or any other details since such information is readily available to all persons by published, generally available state statutes and case law.
- (4) The notice provided by the Clarks complied with the statutory requirements and was sufficient to satisfy due process. The fact that the notice provided that Appellant had ninety days in which to redeem the property is of no consequence since no time frame was required, Appellant was not misled by the notice having never received it, and the property was not redeemed until ninety days after the notice was posted.

- (5) Although the notices of the tax sale were returned as undeliverable with no forwarding address, further notice was only required if practicable to do so, and the trial court's finding that, under the circumstances, no additional reasonable steps to ensure adequate notice were available is supported by the record. The real estate in question was undeveloped, rurally located, contained no buildings, had no human occupant, and was owned by a non-descript, off-shore trust that had failed to provide a forwarding address and was not registered in Missouri. No document was ever filed in Missouri, much less Cass County, from which one could discern that either of the Tracys, or anyone else for that matter, had an interest in the trust.
- (6) Further attempts at regular and certified mail were not a practicable solution for providing notice. No occupant was on the property to which notice could be addressed. Personal service could not be had on the trust with no knowledge available about that trust. And, finally, the record supported the trial court's finding that posting notice would have been impracticable and would not have been reasonably calculated to provide notice.
- (7) Where no reasonable additional steps were available in response to an unclaimed notice letter, no fault will be found in failing to do more.
- (8) The record supports the trial court's conclusion that neither the Clarks nor the tax collector violated Appellant's due process rights as applicable to the right of redemption.

**Opinion by: Joseph M. Ellis, Judge**

Date: November 30, 2010

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